

**Cape Cod National Seashore Advisory  
Commission Report  
on the Preservation and Use  
Plan/Environmental Assessment  
for the Dune Shacks of the Peaked Hill Bars  
Historic District**

**July 2010**

On July 19, 2010, the Cape Cod National Seashore Advisory Commission adopted this report from its Dune Shack Subcommittee. In recommending this report to the Superintendent, Cape Cod National Seashore, the commission wishes to make the following points:

- The National Seashore should maintain the essence/spirit of the District's historic association with the development of the arts and literature, and its traditionally simplistic lifestyle.
- The solitude and privacy of those occupying the dune shacks should be respected and protected to the extent possible. At the same time, the National Seashore should continue to promote public access consistent with its designation as a unit of the National Park System. There is a not-yet-defined carrying capacity for visitation that needs further study.

## Table of Contents

Chapter 1. Background.....	1
Chapter 2. Brief History.....	5
Chapter 3. Dune Shack Traditions.....	19
Chapter 4. Stewardship and Occupancy.....	22
Chapter 5. Public Access.....	31
Chapter 6. Transitions.....	36
Chapter 7. Physical Structures.....	40
Chapter 8. Cultural Landscape Issues.....	45
Chapter 9. Natural Resources.....	48
Appendix A: Groundrules.....	50
Appendix B: Subcommittee Member List.....	57

## CHAPTER 1: Background

The Dune Shacks of the Peaked Hill Bars Historic District, located within Cape Cod National Seashore (CCNS), is eligible for the National Register of Historic Places. The Historic District is composed of approximately 1,500 acres that includes both the historic buildings (dune shacks) and the dune landscape. Eighteen of the nineteen dune shacks are owned by the National Park Service (NPS) and are currently occupied by different groups and individuals under a variety of management tools (administrative instruments such as leases, special permits, etc.).

### Purpose and Goals of the Planning Process

CCNS is undertaking a planning process to establish how the buildings and the adjacent landscape will be protected and interpreted, and how visitors will use the Historic District in the future, consistent with the qualities for which the Historic District was determined eligible for the National Register.

The determination of eligibility found that the Historic District is significant for its role in the development of American art, literature, theater and architecture; because the shacks are a rare and fragile property type; and because of its association with the life of American poet Harry Kemp. Although in 2007 the Keeper of the National Register of Historic Places determined that the Historic District did not meet the National Register criteria for recognition as a Traditional Cultural Property, in the planning process for the Dune Shack Historic District Preservation and Use Plan/Environmental Assessment, the NPS seeks to recognize both the elements that made the Historic District eligible for the National Register and its traditional cultural ethnographic value.

The purpose of this project is to prepare a Preservation and Use Plan/Environmental Assessment (EA) in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, the regulations of the Council on Environmental Quality (40 CFR 1508.9), and the NPS Director's Order # 12: *Conservation Planning, Environmental Impact Analysis, and Decisionmaking* and its accompanying handbook. The plan will provide clear direction and consistency for NPS managers as well as for dune shack dwellers, users, and advocates.

Action is needed at this time to provide for the long-term protection of the Historic District as a whole, including the structures, cultural landscape, and natural environment. A sustainable plan is needed that is economically feasible, conforms to applicable law and NPS policies, and can be implemented with available federal administrative instruments. Examples of these instruments include long-term leases (up to 20 years) and short-term agreements.

The Preservation and Use Plan will be developed to accomplish the following objectives (listed in no particular order):

- Continue to provide the opportunity for contemplative solitude in support of art and literature.
- Support long-term relationships as ethnographic values highlighted in Robert Wolfe's 2005 report *Dwelling in the Dunes: Traditional Use of the Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod* and the related Wolfe and Ferguson 2006 report *Traditional Cultural Property Assessment, Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod National Seashore*.
- Provide appropriate opportunities for the public to experience the themes and resource values of the Historic District.
- Take advantage of partnership opportunities where appropriate.
- Minimize interference with the natural dune processes that are part of the overall dune system.
- Describe preservation maintenance practices and consultation processes between CCNS and dune shack occupants that will protect the historic structures and adhere to the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

#### Purpose of the Subcommittee

The planning process involved the re-establishment of the Dune Shack Subcommittee of the Cape Cod National Seashore Advisory Commission. Subcommittee membership included long-time dune dwelling families; representatives of Truro and Provincetown; the three non-profit organizations that provide art, writing, and general public residencies; Art's Dune Tours; Friends of the Cape Cod National Seashore; the National Seashore historian; and the Cape Cod National Seashore Advisory Commission. The work of the Subcommittee was facilitated by the Consensus Building Institute, under contract to the NPS.

The goal of the Subcommittee process was to openly discuss the many varied elements of resource protection, historic structure preservation, public access, perpetuation of traditions, management models and mechanisms, transition between uses and users, and compliance in order to develop EA alternatives that meet the six objectives listed above. The elements of this report and the draft alternatives will be further analyzed during the NEPA/EA process.

It is noted that none of the alternatives or recommendations in this report are intended to interfere with, alter, or affect any existing agreements, stipulations, and leases currently active, legal, and binding. Rather, they are focused on a future approach to preservation and use of the Historic District as existing instruments of various kinds retire over the coming decades.

## Description of Process

The Subcommittee met 11 times between November 2009 and July 2010. The Subcommittee members also met in numerous workgroups between meetings, via conference call, to advance ideas and issues. Cape Cod National Seashore and the National Park Service provided personnel to participate in the work, provide background information and detail, and offer the views and perspectives of the Seashore and the Park Service.

The Subcommittee meetings were posted and members of the public attended every meeting. A public comment period was provided during each meeting. The Subcommittee provided a detailed update to the Advisory Commission in May 2010 and also held a public meeting to provide the public an opportunity to comment on the Subcommittee's progress.

The Subcommittee met diligently and worked hard during these eight months. The Subcommittee adhered to agreed ground rules, with consensus as a key objective. These ground rules and Subcommittee membership are attached.

It is noted that members of the Subcommittee believe that they could have benefited from additional time to meet and discuss the issues at hand, given the decades-long challenges of managing the Historic District to broad stakeholder satisfaction, and that the level and detail of their work is a reflection of this eight-month time frame. The Subcommittee concludes that this report has involved thousands of person-hours and is the product of substantial, extensive, and intensive work. At the same time, the Subcommittee acknowledges that a future Subcommittee might find gaps in their recommendations, but that they performed to the best of their abilities under the time limitations and existing constraints of the CCNS and NPS.

## Previous Subcommittee Efforts

There has been a Dune Shack Subcommittee to the Advisory Commission since the early 1990s. Subcommittee membership has been variable throughout the decades; however, there have been a few members who have participated since the first subcommittee was established.

Previous subcommittee efforts were usually focused on particular issues that were relevant at the time. For example, in 1992 the subcommittee was engaged to help the Advisory Commission provide guidance to the superintendent about leasing, repairs to structures, amenities, and access. The subcommittee convened again in 1995 to help the superintendent develop a philosophy of use that reflected the full rich history of the shacks. This subcommittee stated that the preponderance of the 1992 report remained valid in 1996, and further reiterated and clarified elements of the 1992 report.

The subcommittee convened again in 2001 and met for 15 months. That subcommittee validated the philosophy of use from 1992, and responded to 15 questions posed by the

NPS about access, use, preservation, constituency-building, and challenges facing the Historic District. The final reports or recommendations of these past efforts are included in an appendix.

## CHAPTER 2: History

The Peaked Hill Bars Historic District has a long and storied history, reaching back to Native American use and occupation to the present constellation of uses, occupants, and structures. This chapter can in no way do justice to the stories, events, landscape and people who have made up the history of the District. The Subcommittee has developed a timeline of key events since the 19<sup>th</sup> century and a record of the shacks that have been lost due to a variety of causes over the years. The Subcommittee also recommends the reader view numerous reports, studies, and other documents that have sought to capture the history of the District, referenced in this chapter.

The shacks themselves have their roots in the lifesaving huts of the maritime era in the mid-19<sup>th</sup> century. The first lifesaving station was built in 1872. In 1914, the first recorded transition from a lifesaving station to a private residence took place in the District. The 1920s and 1930s saw the construction of the shacks that exist today, and of several that no longer exist. In 1961, when Cape Cod National Seashore was created,<sup>1</sup> dune dwellers continued to live in the shacks. Several shacks were destroyed by a variety of actors (including the National Park Service) and causes (see Lost Shacks section below) after the National Park Service gained control of the area. The 1970s and 1980s saw multiple civil actions between shack dwellers and the federal government. In 1989, the District was found eligible for the National Register as a result of concerted efforts by long-term dune dwellers, long-term dune shack users, and other advocates, some of who formed non-profit groups to support dune shack use, as well as the Town of Provincetown and the Massachusetts Historical Commission.<sup>2</sup> In the 1990s, a few locally based non-profit organizations began to offer programs and maintain some shacks in the District. In 2003, the Board of Selectmen of Provincetown (which borders that part of the District containing the largest number of dune shacks) asserted that Cape Cod National Seashore had legal obligations to manage the District as a protected cultural resource in the way that best would maintain, perpetuate, and strengthen that cultural group's continued access to and use of the dune shacks in which they lived. Starting in June 2004, an ethnographic study was conducted by Robert W. Wolfe, titled "Dwelling in the Dunes."<sup>3</sup> A subsequent phase on National Register eligibility for Traditional Cultural Property (TCP) significance was also undertaken by Wolfe and T.J. Ferguson, who concluded that the dune shacks qualified as TCP and that there were "traditionally

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<sup>1</sup> Public Law 87-126, August 7, 1961.

<sup>2</sup> National Park Service. (1989). *Determination of Eligibility Notification* (E.O. 11593). Washington, DC: Government Printing Office.

<sup>3</sup> Robert J. Wolfe. "Dwelling in the Dunes: Traditional Use of the Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod". (Final Report for the Research Project, "Traditional Cultural Significance of the Dune Shacks Historic District, Cape Cod National Seashore" (No. P4506040200), Supported by the National Park Service, U.S. Department of the Interior), August 2005.

associated peoples” connected to the TCP.<sup>4</sup> The Massachusetts Historical Commission and the Town of Provincetown agreed with these conclusions. However, in 2007, the Keeper of the National Register determined that the District did not meet criteria for additional significance as a TCP.<sup>5</sup> In 2009, the CCNS/NPS obtained funds to initiate an Environmental Assessment (EA) for developing a management plan for the District, to conduct several studies, and to reestablish a Dune Shack Subcommittee of the Advisory Commission, which convened in November 2009.

The following pages of this chapter seek to offer at least a partial outline of the District’s key events in the 19<sup>th</sup> century and to capture the shacks that were lost due to a variety of causes in the last several decades. This timeline was compiled by members of the Subcommittee, and reflects the memory and records of numerous Subcommittee members and participating members of the public. It is not meant to be a complete or official history of the District.

### **Dune Shack Draft Timeline (in progress)**

**Mid-19<sup>th</sup> century**—Roots in the maritime-based community and lifesaving huts of the Massachusetts Humane Society

**1872**—First lifesaving station built – Peaked Hill Bars Lifesaving Station

**1899**—Cape Cod School of Art founded

**1914**—Provincetown Art Association founded

**1914**—Peaked Hill Bars Lifesaving Station decommissioned (because of site erosion) and sold to Sam Lewisohn. Lewisohn shared building with Mabel Dodge who had overseen the conversion from lifesaving station to residence.

**1915**—New lifesaving station constructed – the Peaked Hill Bars Coast Guard Station.

**1917**—Malkin-Ofsevit Shack “Zara’s” constructed

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<sup>4</sup> Robert J. Wolfe and T. J. Ferguson. “Traditional Cultural Property Assessment: Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod National Seashore”. (Phase II Report of the Research Project, “Traditional Cultural Significance of the Dune Shacks Historic District, Cape Cod National Seashore” (No. P4506040200), Supported by the National Park Service, U.S. Department of the Interior), May 2006. See also “Guidelines for Evaluating and Documenting Traditional Cultural Properties”, U.S. Department of the Interior, National Park Service, National Register, History and Education, Bulletin 38 (1990, revised 1992 & 1998).

<sup>5</sup> Keeper Janet Snyder Matthews to Acting Regional Director Chrysendra Walter, May 24, 2007, U.S. Department of the Interior, “Potential New Area of Significance, Dune Shacks of the Peaked Hill Bars Historic District, Barnstable County, Massachusetts”, H32(2280).

**1919**—Lewisohn sold old station and land to James O'Neill who gave it to Eugene O'Neill and Agnes Boulton as wedding present

**1919**—Hazel Hawthorne Werner arrives in the dunes

**1920**—Tasha Shack “Kemp” constructed

**1920s**—Fearing Shack “Bessay-Fuller” constructed, owned by Raymond Brown

**1926**—Armstrong Shack constructed

**1930**—Eugene O’Neill gives old station to Gene Jr (his oldest son)

**1930**—Werner Shack “Euphoria” constructed

**1931**—Old station lost to storm – new station moved back from beach to existing location.

**1931**—Likely date of loss of Frank Mayo’s shack from same storm

**1931**—Werner Shack “Thalassa” constructed

**1931**—Braaten Shack constructed

**1931**—Watson-Schmid Shack constructed

**1932-35**—Raymond Brown sold Fearing Shack to Ann Kleinman (est. 1932-1935 possessory title in land and building)

**1935**—Adams Shack constructed

**1935**—Adams-Guest Cottage constructed

**1935-6**— Wells Shack constructed

**1935-6**— Jones Shack constructed

**1936**—Champlin Shack “Mission Bell” constructed

**1937**—Fleurant Shack constructed

**1939**—New station closed – burned by arson 1958

**1939**—Ann Kleinman sold Fearing Shack to Dorothy Fearing (Al's wife); deed dated November 25, 1939, Book 802, Page 123

**1940**—Cohen Shack constructed

**1942**—Margo-Gelb Shack “Boris’s” constructed

**1942**—Chanel Shack constructed

**1946 or 1947**—Quonset Shack built on high dune near the Jones Shack

**1948**—Armstrong Family moved into abandoned shack in North Truro with approval of Junia and Elizabeth Hannah, who owned the land

**1949**—Fowler Shack constructed; Fowlers had an unsigned agreement and Bill of Sale with E. Jeffs Beede to buy the land they were building on, but by the time Beede signed the agreement with Fowlers the cut-off date included in CCNS legislation for having land and building ownership in the same name had passed.

**1954-5**—Commonwealth of Massachusetts acquired land now known as CCNS, including 745 acres owned by Hannah sisters

**1955**—Carlotta O'Neill (Eugene’s wife) sells the old Lifesaving Station land to Ray Wells

**1960**—Death of Harry Kemp

**1960s**—Tasha Shack was blown apart in a winter storm and rebuilt

**1961**—Creation of Cape Cod National Seashore – all but one shack purchased by NPS in the ensuing years, and several lost over the post-1961 period due to either demolition by NPS, storms, arson or neglect.

**1962**—Formation of Great Beach Cottage Owners Association

**1967**—Vevers Shack burned by NPS citing its abandoned and vandalized condition

**June 30, 1967**—Red Shack burned down by vandals

**1969**—Dorothy Fearing sells her shack to Andrew Fuller (and Grace Bessay)

**1970**—Ford Shack destroyed by accidental fire

**1975**—Peter Clemons and Marianne Benson are invited to stay at the Fuller-Bessay (Fearing) shack and help with repairs/caretaking

**1976**—Chanel Shack rebuilt on top of original shack by the Del Deos and friends.

**1980**—On November 11<sup>th</sup>, Armstrongs received formal notice of Civil Action No. 80-2425-C: United States of America, Plaintiff vs. 733 Acres of Land, etc., which included defendants: David G. Armstrong, Constance E. Armstrong, and 14 others including the Art Department of Purdue University

**1981**—Andrew Fuller dies and leaves the cottage to Grace E. Bessay as part of his estate. Grace Bessay asks that Peter Clemons and Marianne Benson continue to use the shack as guests and to help with caretaking.

**1981**—Conclusion of Armstrong trial; Armstrongs and others signed an official document giving them life tenancy, but not to their future generations. The penalty for not signing the document was for the government to take possession of the shacks and bulldoze them.

**1982**—Death of Charlie Schmid

**1982**—Zara Ofsevit shack burned to the ground

**1984**—Schmid shack bulldozed by NPS

**1985**—letter from Barbara A. Meade, Chairman of the Truro Historical Commission stating that with the assistance of the Massachusetts Historical Commission they were trying to protect the remaining dune shacks in Truro from being destroyed

**1985**—Peaked Hill Trust (PHT) formed to save the shacks and provide a program for ongoing use of the shacks. The program started with use of Euphoria and Thalassa with permission of Hazel Hawthorne Werner, leaseholder.

**1989**—District found eligible for National Register

**1989**—Zara Ofsevit and the NPS agreed to the re-building of Zara's shack based on its original plans. The work was done by Peaked Hill Trust and volunteers along the same idea as a "barn raising" in August.

**1990**—Stan and Laura Fowler give Peter Clemons and Marianne Benson use of their shack and ask that they help with caretaking of it. The Fowlers were 80 years old and living in Florida.

**1991**—Grace E. Bessay signs a 25-year Use and Occupancy Stipulation (under the threat of immediate eviction) after losing a long and expensive battle to reverse the condemnation and taking of her land and cottage (Bessay-Fuller shack). Bessay includes Peter Clemons and Marianne Benson in the Stipulation as her heirs should she die before 2016 (the final year of the 1991 stipulation).

**1991**—Peaked Hill Trust begins management of Zara’s at request of Zara Ofsevit, leaseholder

**1994**—Provincetown Community Compact awarded a NPS agreement to manage the Cohen shack for an Artist-in-Residence program.

**1995**—Death of Boris Margo. The NPS awards the Margo-Gelb shack to the Outer Cape Artist-in Residence Consortium (OCARC) for an artist-in-residence program. The shack continues to be managed by Peaked Hill Trust.

**1996**—Grace Bessay dies in October. Peter and Marianne are officially recognized as Bessay Cottage residents and stipulation holders.

**1990s**—3 Shacks leased by NPS – Jones, Fleurant and Watson-Schmid – artist-in-residence programs begun by NPS using non-profits in Margo and Cohen Shacks

**April 2000**—Hazel Hawthorne Werner passes away. Special Use Permit issued to Peaked Hill Trust, which had been caretaking and providing public stays at Thalassa and Euphoria. Renewed annually since 2000.

**November 2001**—CCNS activates CCNS Advisory Commission Dune Shack Subcommittee. Massachusetts State Historic Preservation Officer (SHPO) advised by letter that the subcommittee would be undertaking a process to provide guidance to CCNS regarding future use and preservation. Town of Provincetown and interested parties receive copy of the letter.

**Late 2001-January 2003**—Subcommittee meets several times. Presents its report to the full Advisory Commission in January 2003.

**March 1, 2003**—Advisory Commission holds public meeting at Province Lands Visitor Center to discuss the subcommittee report.

**May 30, 2003**—At CCNS Advisory Commission meeting the Town of Provincetown presents a letter urging NPS to explore cultural resource laws and policies governing cultural resources and asserting that “some, perhaps all, dune shack dwellers are a protected cultural resource” and that CCNS “has legal obligations to manage this cultural

resource in the way that best maintains, perpetuates, and strengthens this cultural group's continued access to and use of the dune shacks in which they live"

**October 2003**—NPS convenes two-day meeting of federal, state and private sector cultural resource experts to discuss the District and the TCP question. Group recommends that NPS undertake ethnographic study, prepare an environmental assessment, and permit the lifting of the Watson-Schmid shack by lessees, residents, and volunteers, rather than through government contract.

**Winter 2003**—NPS obtains funds to conduct ethnographic research on the people associated with the Historic District and the shacks.

**February 2004**—NPS hosts a public meeting at Truro Public Library to receive input into the scope of work being prepared for the research study.

**June 2004 to Spring 2006**—Ethnographic study conducted by Robert W. Wolfe. "Dwelling in the Dunes" is presented to the public in Fall 2005. Subsequent phase on National Register eligibility for TCP significance is undertaken by Wolfe and T.J. Ferguson.

**March 2005**—Reservations for Tasha and Ofsevit shacks expire. Zara Jackson and the Tasha Family are given one-year Special Use Permits (renewed annually since while planning is pending). Peaked Hill Trust continues the management of the Ofsevit-Malkin shack.

**January 2006**—Life estate holder Laura Fowler passes away, and the Fowler Shack comes under the direct management of the NPS.

**Winter 2006**—NPS develops scopes of work for the preparation of Historic Structure Reports and a Cultural Landscape Report for the Historic District.

**April 2006**—NPS holds Advisory Commission dune shack subcommittee meeting to bring people up to date.

**Early May 2006**—The NPS receives a draft copy of Phase 2 of the ethnographic research. NPS disagrees with recommendations.

**June 2006**—Fieldwork for Historic Structure Reports (HSR) and a Cultural Landscape Reports (CLR) for the District is underway. NPS informs Clemons-Bensons and Fowlers to vacate the Fowler Cottage.

**July 2006**—NPS grants the Clemons-Benson an extension to occupy the Fowler Cottage until Sept. 4, 2006.

**September 2006**—Clemons-Bensons vacate the Fowler Cottage. CCNS renews consultation with SHPO, recaps planning from 2003-present, expresses difference of opinion with the researchers concerning whether the District meets the criteria for TCP.

**October 2006**—The Provincetown Community Compact is chosen for a short-term agreement to use Fowler Cottage for a writer-in-residence program. SHPO responds that she is unable to agree with NPS about the TCP designation, and suggests that NPS ask for formal determination from the Keeper.

**November 2006**—TCP assessment and statement about NPS disagreement with researchers sent to all dune dwellers. Town of Provincetown agrees with SHPO conclusion on TCP designation.

**December 2006**—Richard Delaney selected by CCNS Advisory Commission Chair to be new dune shack Subcommittee chair. Reconstitution of Subcommittee and selection of new members begins.

**Winter-Spring 2007**—NPS sends TCP packet to Keeper of the Register for determination.

**May 2007**—Keeper determines that the District does not meet criteria for additional significance as a TCP. NPS signs new agreement with Provincetown Community Compact for use of the Fowler Cottage and continued use of the Cohen shack through December 2009. NPS signs new agreement with Outer Cape Artist in Residency Consortium for continued use of Margo-Gelb shack through 12/09.

**Summer 2007**—NPS is urged to list the District on the National Register. Chairman Delaney steps down due to scheduling conflict with his new position as director with the Provincetown Center for Coastal Studies. NPS reviews draft HSR/CLR for the District.

**Winter 2007**—Ray Wells asks Peaked Hill Trust to assume the caretaking of the Wells shack, but continues to use it herself.

**Winter 2007-2008**—CCNS Superintendent continues to seek funds to carry out dune shack EA. Next draft of Cultural Landscape Report and Historic Structure Report reviewed by CCNS staff.

**Winter-Summer 2008**—Ron Kaufman steps down as Chair of the CCNS Advisory Commission. Superintendent confers with a number of NPS offices and staff and re-defines the approach for the development of a Use Plan, which would include public/stakeholder involvement and result in an understandable short and long term occupancy plan while protecting the resources. Superintendent unable to move to the

next steps because of a lack of secure funding and the current changes within the NPS regarding contracting and agreements.

**Summer 2008**—Provincetown Community Compact requests an extension of its agreement to partner with the Mailer Writers Colony to offer writer residencies. NPS grants extension to December 31, 2011.

**2009**—NPS prepares scope of work and contracting documents to prepare the National Register nomination in 2009.

**Summer 2009**—Lease for Jones Shack expires. The lessee (Dunn Family) is offered a one-year Special Use Permit to occupy and preserve the shacks while the District's planning process is still underway.

**Fall 2009**—CCNS receives planning funds. NPS Environmental Quality Division awards contracts to Consensus Building Institute for facilitation and Vanasse Hangen Brustlin, Inc. for preparation of a Dune Shack District Preservation and Use Plan/EA. Public scoping meeting held on October 19, 2009. Start-up meeting is held with Public Archeology Laboratory for preparation of National Register documentation to list the District.

**November 2009**—First Dune Shack Subcommittee meeting is held on November 9. Rich Delaney appointed by Secretary of the Interior to chair the CCNS Advisory Commission. Outer Cape Artist in Residency Consortium agreement for use of Margo-Gelb Shack is extended to December 31, 2011 while District planning continues.

## Specific Shack Histories

Prepared by Dune Dwellers records and recollections

The Adams shack was built in 1935 by local carpenters Jake Loring and Dominic Avila. The Loring and Avila families, and later the Loring family, regularly occupied the shack until World War II, when the shack was used less frequently and fell into disrepair. David and Marcia Adams purchased the shack from Jake Loring in 1952. The Adams revived the shack and regularly occupied it, and at the time of this report (2010), the shack still is regularly used by the Adams family.

The Adams Guest shack was built shortly after 1935 by local carpenter Jake Loring as a generator shed to service the main building (the Adams Shack). David and Marcia Adams purchased the shack from Jake Loring in 1952. The Adams revived the shed for use as a small shack for family and guest use, and at the time of this report (2010), the shack still is regularly used by the Adams family.

The Armstrong shack was built in about 1926, probably by local entrepreneur Pat Patrick. The shack was abandoned and derelict when it was discovered by David and Connie Armstrong in the summer of 1948. The Armstrongs revived the shack and regularly occupied it, and at the time of this report (2010), the shack still is regularly used by the Armstrong family.

The Bessay-Fuller shack was built in the mid to late 1920s by Raymond Brown. Brown sold the land and building (possessory title) to Ann Kleinman in 1934. Kleinman sold the property to Dorothy and Al Fearing in 1939. The deed is dated November 25, 1939. The Fearings summered in the shack with their two children from 1939 through the late 1960s. Andy Fuller bought the cottage and land from the Fearings in December of 1969. They had met one another during meetings of the Great Beach Cottage Owners Association. Andy introduced the shack to Peter Clemons and Marianne Benson in the early 1970s and encouraged them to use and enjoy the shack in exchange for repairs and maintenance. When Andy Fuller died in 1981, he left the shack to his life partner Grace Bessay who continued to share her summers in the dunes with the Clemonses and their three children. Grace named the cottage "The Grail" during this period in part because the effort to save this place from government bulldozers had become the oldest pending federal court case in the United States. Grace Bessay signed a 25-year use and occupancy stipulation in 1991 and included the Clemonses in the agreement. When she died in 1996, the NPS honored the terms of this document. This shack has been a family residence since it was first built. There is no record of it ever being rented to people outside of the family or for profit. At the time of this report (2010), the shack still is regularly used by the Clemons family.

The C-Scape shack was built in the 1940s by Eddie and Albert Nunes. The Nunes family regularly lived in the shack until they sold it to Howard Lewis, a local upholsterer in about 1953. After Lewis's death in the 1960s, the shack was sold to artists Jean Miller Cohen and John Grillo, who occupied or leased the shack to others until the mid-1970s, when they sold it to Bob Abramson and Larry McCready. After the shack was abandoned for a few years, the Provincetown Community Compact began an artist-in-residence program in 1996 and continues to use the shack in 2010.

The Champlin shack was built in 1936 by local carpenters Dominic and Al Avila. The Avila family regularly occupied the shack until World War II, when the shack was used less frequently and fell into disrepair. Nathaniel and Mildred Champlin purchased the shack from Dom Avila in 1952. The Champlins revived the shack and regularly occupied it, and at the time of this report (2010), the shack still is regularly used by the Champlin family.

The Fleurant shack was built in around 1937 by local businessmen Albert Nunes and Jake Waring. The Nunes and Waring families regularly lived in the shack until they sold it to Howard Lewis, a local upholsterer, who regularly occupied the shack until his death in the 1960s. Lewis left the shack to his friend, Leo Fleurant, who lived year-round in the shack from about 1963 until his death in 1984. The shack fell into disrepair, and was eventually leased by the CCNS to Emily Beebe and Evelyn Simon in 1993, who continue to use the shack in 2010.

The Fowler shack was built in 1948-9. Stanley and Laura Fowler first visited the dunes as guests of Dorothy and Al Fearing in the early 1940s and then constructed their own shack. They were promised a piece of land by E. Jeffs Beede, which they thought they had secured via a deposit and verbal agreement, but by the time the deal was finalized the Fowlers had missed the cut-off date included in CCNS legislation for having land and building ownership in the same name. Additions were made to the shack in the 1950s and 1960s to make it the shack that stands today in 2010. The Fowlers raised their son here every summer, and the shack was never rented. They wanted the shack to stay in use by families when they were no longer able to travel from Florida to Provincetown. The Fowlers asked Peter Clemons and Marianne Benson to take care of the shack from 1991-2006. When Laura Fowler died, CCNS evicted the Clemons family and leased the shack to the Provincetown Community Compact, which remains its current use in 2010.

The Jones shack was built in 1935 by Jesse Meade and used exclusively by the Jones family and friends until the late 1980s when they gave the rights to maintain the shack to Charlie Schmidt. During this time, Dr. Michael Sperber used the shack and was willed the shack. It then sat empty for eight years before being leased by CCNS. In 2010, the current lessees were John and Marsha Dunn.

The Kemp shack was part of the Peaked Hill Life Saving Station complex, used by actors and playwrights, constructed in 1920 by Frank Cadose. This shack was given to Harry Kemp in the 1930s and used by him until his death in 1960. He willed the shack to Rose Tasha, and the Tasha family continues to use the shack regularly also adopting an open-door policy allowing anyone to use the shack as needed.

The Malkin-Ofsevit shack was built in 1917 and sold by Irving Rogers, the Provincetown Clerk, to Zara's mother in 1925. The family used the shack for decades also allowing friends and others to stay there until it burned down in 1982. Seven years later in 1989, the shack was rebuilt to its original specifications with help from Peaked Hill Trust and volunteers. In 1991, Peaked Hill Trust began managing the shack at the request of Zara Ofsevit. At the time of this report (2010), the shack continues to have mixed use between Zara's family and the Peaked Hill Trust.

The Margo-Gelb shack was built in 1942 by Boris Margo and Jan Gelb, and used exclusively by the family and friends until Boris' death in 1995. At this time the NPS arranged an agreement with Outer Cape Artist-in Residence Consortium (OCARC) for an artists-in-residence program at the shack. At the time of this report (2010), Peaked Hill Trust continues to manage the shack.

## “Lost Shacks”

Prepared by Cape Cod National Seashore and Dune Dwellers records and recollections

### Eastern Group

1. Vever's Shack—NPS demolished in 1967; CCNS records state that it was in derelict condition and vacant for 4 years prior. Others note that it was not derelict nor unoccupied year round and that the dweller locked it and went to Indiana for the winter and returned to see it demolished, with all of his personal belongings inside.
2. Red Barn or Red Shack (Grace Bessay and formerly Charles Gushee)—Had not been used since 1953; others note that it was built in 1930; acquired by Grace Bessay from Charles Gushee on July 10, 1957 and lived-in from that time until June 30, 1967 when it was burnt down.
3. Stanard/New York Shack—files report "burned to the ground April 1973" by the CCNS, apparently with permission from the Stanards, who had no further use for it.
4. Stone/Cement Shack (Grace Bessay and formerly Andy Fuller)—It was destroyed by NPS on September 12, 1984 and owners/dwellers were sent a letter requiring that they tear down this and the Oliver shack. Others note that the owners did not comply and the shacks were torn down and costs billed to the owners/dwellers by CCNS.
5. Joe Oliver's Shack (Grace Bessay and formerly Andy Fuller)— Bulldozed by NPS on September 12, 1984 at cost of Grace Bessay.
6. Gracie's little shack—burned (accidental) in June 1968.
7. Charlie Schmid—NPS bulldozed it after Charlie died in 1984. Some note that his personal belongings & papers were inside.

### Central Group

8. Ford Shack (Gerald Hill)—destroyed by accidental fire on September 5, 1970
9. Frank Mayo's Shack—destroyed in 1931 storm
10. Quonset Shack—near the Jones Shack; unsure when or how it was demolished; well documented by neighbors as being in derelict condition in the years before it disappeared

### Western Group

11. Squid Woman's Shack—unsure when or how it was demolished
12. Concrete House/Igloo – designed by a Provincetown architect; as referenced by the Champlins in the Ethnographic Report; still standing in 1967– fate unknown
13. O'Neill/Wells Shack—just east of Malicoat - not THE lifesaving station, but a little shack recorded by the NPS as very run down in 1967; gone by 1970 but demise is unknown

## CHAPTER 3: Dune Shack Traditions

The Dune Shacks of the Peaked Hill Bars Historic District is located in Provincetown and Truro, Massachusetts. It is within Cape Cod National Seashore. It was determined eligible for the National Register of Historic Places in 1989. The Historic District is comprised of approximately 1,500 acres that include both the historic buildings (19 dune shacks) and the dune landscape. The determination of eligibility found that the District is significant for its role in the development of American art, literature and theater; because the shacks are a rare and fragile property type; and because of its association with the life of American poet, Harry Kemp. The dune landscape is the linchpin of the District's cultural importance.

Fifteen years after the District was found eligible for the National Register, the Board of Selectmen of the Town of Provincetown and other local community members asked the National Park Service to document the traditional cultural practices associated with the District. Subsequently, these cultural practices were recorded by Dr. Robert J. Wolfe in an ethnographic study in 2005 entitled, "Dwelling in the Dunes: Traditional Use of the Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod." Shortly after its release, Dr. Wolfe and Dr. T.J. Ferguson were engaged by the National Park Service to prepare an evaluation of the cultural significance of the District using National Register Traditional Cultural Property (TCP) criteria ("Traditional Cultural Property Assessment: Dune Shacks of the Peaked Hill Bars Historic District, Cape Cod National Seashore"). Under TCP guidelines, the traditional cultural significance of a historic property is derived from the role the property plays in a community's historically rooted beliefs, customs, and practices. Wolfe and Ferguson concluded that the Historic District met the criteria for a TCP. Their assessment stated: "The traditional cultural significance of the Dune Shacks of the Peaked Hill Bars Historic District is derived from the role the property plays in the historically-rooted beliefs, customs, and practices of the Provincetown-Lower Cape community . . . and whose traditional use has sustained the district for more than a century."

In 2007, the Keeper of the National Register of Historic Places determined that the District did not meet the National Register criteria for recognition as a Traditional Cultural Property. However, in the current planning process for the Dune Shack District Preservation and Use Plan/Environmental Assessment, the NPS seeks to recognize both the elements that made the District eligible for the National Register and its traditional cultural ethnographic values.

Many authors have sought to define the significant historic traditions that need to be maintained in the District. Dr. Wolfe, in his report, described three identifiable traditions of contemporary dune dwellers. First, traditions identified with "Old Provincetown" included foraging, salvaging, training children, and retreating from small town pressures.

Second, the expressive traditions of the fine arts colony extended into the dunes, with the shacks offering centers for writing, art and other creative expression. Third, the concepts of environmentalism associated with Thoreau and Beston found expression in the close relationship the dune dwellers celebrated with nature.

Long-time dune dweller and historian Josephine Del Deo captured the philosophical approach to the traditions of the District as embodied in the physical shacks themselves. The dune shacks, she wrote, are “metaphorically speaking, almost an archeological resource, having been structures used at various periods for varying purposes: the several buildings of the Coast Guard Stations at Peaked Hill, a boat house, a half-way house to poet’s abodes, painters’ studios, naturalists’ lookouts, a home of essential spiritual retreat and rejuvenation for persons from every walk of life . . . these small, nameless abodes by their very simplicity serving to teach and retain for our society the first lesson of nature, the law of survival for all the creatures of the earth. Hundreds, perhaps thousands, have sought inspiration here, and many more will come to worship in these shelters of the human spirit.”

In the 1992 Dune Shack Subcommittee report, the authors stated that the dune shacks offer “...a rare privilege of experiencing a survivalist relationship with nature. Only thoughtful guardianship of this way of life will keep it from disappearing from its unique place in the American landscape. Their use should relate to and derive from this history.” The report went on to state: “While the area may be historic because of the noted artists and writers who worked there, those occupied in more ordinary pursuits contributed to the structures, themselves, and to the environment that proved so inspirational, as is the case in other Historic Districts”. The 1996 subcommittee wrote, “The essence of the shacks is isolation and contemplation, neither of which can be observed”. In 2003, the subcommittee added that, “. . . we see the purpose of our dune shack role as keeping alive the practice of the past that still has unique value to contemporary, and hopefully future, society. Put another way, it is less like saving an historic building . . . or reenacting the 1775 muster in Concord, but more in keeping a wild creature or any living entity from going extinct.” As also stated in the Wolfe report: “The dunes provide the final resting place for the remains of a number of dune shack residents . . . permanently fused with the dunes and its dwellings.” (Chapter 4, page 96). In 2010, the current Subcommittee concludes that without the unique combination of long-term families, kin, and local, deeply committed non-profits that has evolved over time and who own, lease, use, and maintain the shacks, the traditional, independent, multi-generational culture of the District will be diminished, if not outright lost.

It is also important to note that the upkeep, restoration, and rebuilding of the shacks is also part of the cultural tradition of the District. Given the dynamic and harsh nature of the dune environment, the dune shack dwellers of all kinds have developed unique knowledge, skill, and innovation in order to maintain the shacks for continuous use. The Wolfe report noted this connection between cultural traditions and the physical shacks.

“For dune shack residents, a significant part of dune living consisted of working on the shacks themselves, through maintenance, repairs, and upgrades, managing sand and plants around the shack, and periodic shack relocations. Such work was said to be unending. And it was primarily a ‘labor of love’ by family and friends, typically done without monetary rewards. The severe conditions of the Backshore would destroy shacks except for the vigilant care of residents. Strong winds, blowing water, and shifting sands quickly overwhelm the vulnerable shacks without intervention.” (Chapter 11, page 225).

Lastly, the Subcommittee notes that among the traditions of the District are the unique arrangements various dune dwellers have made among themselves, with kin, and with non-profits, to continue the well being of the District. Just one example is that of shack stewards who occupy their shacks for residential use for a portion of the year, and then provide opportunities for public and programmatic uses during other times, and vice-versa.

## CHAPTER 4: Stewardship and Occupancy of the Dune Shacks

The Subcommittee worked diligently and in detail to develop an overall conceptual framework for how stewardship, use, occupancy, and access could be managed in the District. This chapter details a conceptual framework for stewardship, use and occupancy, including an overall vision for the District, a definition of stewardship and occupancy, a framework for the appropriate mix of uses, and considerations on the future uses of each shack.

### *Vision for Preservation and Use of the Peaked Hill Dune Shacks:*

The Peaked Hill Dune Shacks are valued for (in no particular order of importance):

- the experience and greater understanding of nature and co-existence with the landscape
- the beauty and protection of the surrounding environment
- the opportunities they provide for solitude, contemplation, inspiration, and creativity
- the rustic, spartan nature of the dwellings and the lifestyle within them
- the historical connections to the artists and writers who lived in them
- the living, personal histories, cultural traditions, and guardianship of long-time dune dwelling users, owners, families, friends, caretakers, and others
- the community of shared experiences, traditions, and identities with other committed shack users
- the unique and individual history and character of each dwelling

These values are experienced, lived, and supported by:

- long-term shack residents, their families, and friends
- one-time and recurring visitors to the shacks, be they artists or others
- non-profit associations
- affiliated businesses
- the local communities
- the National Seashore
- the public

The values and significance of this District can best be upheld by maintaining and nurturing the current mix of uses into the future. A partnership between dune shack users and CCNS/NPS is essential to preserving and managing these dwellings and their natural environment for this and future generations.

## *A Framework for Preservation and Use*

The Peaked Hill Bars Historic District, with its cultural, human, and natural resources, can best be maintained, protected, and sustained in the future through ensuring stewardship of this fragile, dynamic, valuable resource. The Subcommittee recommends that the preferred alternative in an EA and Preservation and Use Plan be built upon a framework that clearly delineates stewardship, use and occupancy, and access.

### *Recommendations for Stewardship*

**Stewardship** is the long-term care and commitment to the District that entails, but is not limited to (in no particular order):

- maintaining the cultural significance of the District through living and sharing the dune experience, and the traditions, stories, and memories;
- maintaining and preserving the dune shack structures;
- maintaining and preserving the natural landscape.

Stewardship requires active, sensitive **engagement**. This engagement includes not only attention to individual shacks or areas, but also a concerted effort to preserve and interpret the District as a whole. All individual and non-profit stewards and their constituents of the District are all expected to contribute to the District, recognizing that CCNS is publicly supported and protected.

The Subcommittee envisions that stewardship of the shacks consists of individual and family residents and their kin and non-profit organizations and their members committed to ongoing care of the shacks and their cultural and historic significance. In order to provide opportunities for new individuals and groups to engage in the District, the Subcommittee also supports reserving up to 20% of shacks for medium-term and rotating stewardship with 3-10 year durations, provided that maintenance and upkeep of the physical shacks can be assured. Recognizing that the stewardship of any given shack cannot be set in stone, the Subcommittee supports a distribution of approximately 40% long-term residential, 20% medium-term residential or non-profit organizations, and 40% non-profit organizations serving a range of appropriate programmatic and public purposes. The Subcommittee notes that both residential and non-profit stewardship are fully acceptable within National Park Service policy, which has mechanisms to implement such stewardship and occupancy, and are in keeping with the goals of preserving and maintaining the District in terms of maintaining the built, natural, and cultural resources of the District including historic structures, landscapes, and living traditions.

## *Recommendations for Use and Occupancy*

The District is not a museum or set of structures to be fixed in time and history. The District, as a living resource populated by people, requires **occupants** who can use the shacks and reside in a manner that protects and promotes the cultural and historic values of the District, as delineated in the vision statement above.

Given the importance of shack occupancy to the value of the District, and the observation that shacks used consistently are generally better maintained, the Subcommittee recommends that frequent occupancy of the shacks be encouraged – by the long-term user, by a network of individuals, family and kinship ties, by public or programmatic use, or by some combination of these.

The National Park Service describes programmatic use as a program of activities carried out by a non-profit organization, individual leaseholders, or others that benefits the Historic District, and in the case of a non-profit organization, is fundamental to the organization's mission. Programmatic use involves more than preservation maintenance, caretaking, and overnight public or member use. It involves a higher level of partnership and consultation with the NPS that helps attain sustainable, effective and efficient management of the District, the enhancement of public understanding, and protection of the District's resources and values.

### Examples:

- Artist-in-Residence or Writer-in-Residence programs that perpetuate the development of art and literature in the District, tied to its National Register significance, and assist the NPS in carrying out this NPS-wide program.
- Activities that assist the NPS in carrying out its preservation responsibilities, such as research papers, development and dissemination of best practices, preservation maintenance case studies, or serving as a team-member with NPS staff and other District stewards to solve problems.
- Training for NPS staff to improve interpretation and protection of the Historic District.
- Public education programs that result from stays by the public or members, such as gallery exhibits in town; lectures or poetry readings in park facilities; behind-the-scenes tours for park partners.

In any given year, occupancy of the shacks would consist of some combination of the following:

- Residential use (long-duration or consistent) by individuals, families & kinship groups;
- Programmatic and public use (1-3 weeks at a time) by the public, members of non-profits, and artists in residence; and,

- Recurrent caretaker use (1-3 weeks at a time).

The Subcommittee supports a mix of uses for the dune shacks, both across shacks and within each shack. Hybrid uses – where shack stewards who occupy their shacks for residential use for a portion of the year and then provide opportunities for public and programmatic uses during other times, and vice-versa – are encouraged, but should not be expected for all shacks. Such hybrid approaches are currently deployed in some shacks in the District and are reported to work quite well. The arrangement with Malkin-Ofsevit shack provides a practical model of this.

The following chart shows the Subcommittee’s vision for stewardship and occupancy of the dune shacks:

CATEGORIES	DESCRIPTIONS		
<b>Approximate Percentage</b>	~ 40% of shacks	~ 20% of shacks	~ 40% of shacks
<b>Stewardship (By Whom)</b>	Individuals, families and kinships	Individuals, families and kinships or non-profit organizations	Non-profit organizations and their members
<b>Use: Primary</b>	Residential	Residential <i>or</i> programmatic and public	Programmatic and public use and recurrent short-term care-taker use (1-3 wks)
<b>Duration (time)</b>	Long-term (likely current lease option is 20 years) <sup>6</sup>	Medium term (3 to 10 years)	Goal of long-term with medium term by agreement (5 yrs plus 5 renewal)

### *Access*

Because the District is a public resource, all stewards of the dune shacks are expected to contribute to public understanding and access to the District through a range of diverse opportunities for **access** that reflect the unique nature and the sensitive resources and the

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<sup>6</sup> But see “Caveat” in this Chapter.

need for privacy to experience the values of dwelling in the dunes. This approach is detailed further in Chapter 5.

### *Available and desired NPS mechanisms*

The Subcommittee is cognizant that NPS mechanisms change over time. The following mechanisms, then, are the closest approximation to the Subcommittee's vision *given* the current existing range of mechanisms as stated by NPS.

The Subcommittee favors the use of **leases** for long-term residential stewards and **agreements or leases** with non-profits for public and programmatic uses.

The Subcommittee's understanding of the current legal and regulatory framework is as follows: 36 CFR, applicable across all federal agencies, allows a federal agency to lease a federal property for as long as sixty years. It is the current practice of the National Park Service to offer leases of no more than twenty years and that leases whose terms are for more than ten years require the approval of the Director of the National Park Service.<sup>7</sup> These leases may be extended for only one year beyond the term of the lease. Non-profit agreements are entered into for five years and may be extended for up to five more years for a total of ten years.

### *Selecting Stewards*

The administrative requirements for residential leases include competition via a Request for Proposals (RFP). The Subcommittee understands that current NPS rules require RFP evaluations to occur at the regional level.<sup>8</sup> These rules also allow that "an official of the applicable park area ... serve as a technical advisor to the evaluation panel", and the Subcommittee strongly recommends that CCNS send a technical advisor with extensive knowledge of the uses and historical and cultural significance of the District to advise the panel during the RFP process. The District and its values are unique and are best understood through long-term experience with the District.

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<sup>7</sup> Neither the Subcommittee nor CCNS/NPS staff was able to identify written regulations, policies, or guidance that codify the current practice of twenty-year lease terms. See 36 CFR 18.10, which states in relevant part: "All leases entered into under this part shall have as short a term as possible, taking into account the financial obligations of the lessee and other factors related to determining an appropriate lease term. No lease shall have a term of more than 60 years...." See also the notes that accompany this regulation: "...Under [Director's Order] 38, leases with a term of up to 60 years are permissible if the deciding official determines that a long term lease is necessary in order to provide a viable leasing opportunity in light of investment requirements and other relevant factors." See also 16 U.S.C. §§1 et seq., particularly 16 U.S.C. §1a-2(d) and §470h-3.

<sup>8</sup> According to the National Park Service's Director's Order #38 on Real Property Leasing: "In circumstances where an RFP concerns an existing or prior lease that is to be reissued and the incumbent or prior lessee submits a proposal in response to the RFP, the evaluation panel shall not include any officials of the applicable park area. An official of the applicable park area may serve as a technical advisor to the evaluation panel." January 20, 2006.

In addition to a set of standard criteria, NPS regulations allow each NPS unit to specify evaluation criteria for RFP processes that reflect the specific needs and requirements of that area.<sup>9</sup> To guide the selection of appropriate stewards, the Subcommittee recommends the use of the following criteria in any selection process.

For long-term residential stewardship and occupancy, the Subcommittee recognizes that the ethnographic values and traditions of the Historic District (as evidenced by the Wolfe and Wolfe/Ferguson reports and other relevant materials) are rich, real, and historically important. Although the Keeper of the National Register determined that the District did not qualify as Traditional Cultural Property, the letter to the Superintendent specifically states that “the plan will recognize all of the elements that made the District eligible for listing in the National Register, including the values highlighted in Dr. Wolfe’s ethnographic report.” The cultural significance and history of the District is embodied in the continuity of living communities. Long-term resident families have made and make a significant contribution to retaining the cultural values of the District including as described in the Wolfe report and associated materials.

For long-term residential stewardship and occupancy, used to preserve and maintain the historic structures, landscape, and living culture, the Subcommittee recommends the following decision criteria (in no particular order) to ensure the realization of the vision noted at the beginning of this chapter:

- Experience or history of involvement with the District, which may include association with the traditions and living history of the shack;
- Association with the ethnographic values and traditions that contribute to the shack’s history and the cultural significance of the District;
- Commitment to participate in public access opportunities for the District (see detailed suggestions in the Chapter 5 on access);
- Desire and commitment to protect and promote the values and significance of the Historic District and the continuation of tradition and cultural identity;
- Capacity to perform the required maintenance;
- Availability and intent to use the shack.

For programmatic/public stewardship and occupancy used to preserve and maintain the historic structures, landscape, and living culture, the Subcommittee recommends the

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<sup>9</sup> See 36CFR18.8 (e): “(1) The criteria to be used in selection of the best proposal are: (i) The compatibility of the proposal’s intended use of the leased property with respect to preservation, protection, and visitor enjoyment of the park; (ii) The financial capability of the offeror to carry out the terms of the lease; (iii) The experience of the offeror demonstrating the managerial capability to carry out the terms of the lease; (iv) The ability and commitment of the offeror to conduct its activities in the park area in an environmentally enhancing manner through, among other programs and actions, energy conservation, waste reduction, and recycling; and (v) any other criteria the RFP may specify. (2) If the property to be leased is an historic property, the compatibility of the proposal with the historic qualities of the property shall be an additional selection criterion...”

following decision criteria (in no particular order) to ensure the realization of the vision noted at the beginning of this chapter:

- Experience partnering with the National Park Service;
- Experience or history of involvement with the District;
- History or involvement with one or more shacks;
- Experience managing programs to meet federal objectives;
- Ability to carry out programmatic activity with direct visitor benefit, developed in partnership with the NPS, that advances the mission of CCNS and protects and promotes the values of the Historic District;
- Ability to provide a meaningful educational component to its program and be available to members of the interested public;
- Capacity to perform the required maintenance.

For medium-term stewardship and occupancy, used to provide the opportunity for new entrants into the values, culture, character, and practices of the District the Subcommittee recommends the following decision criteria (in no particular order) to ensure the realization of the vision noted at the beginning of this chapter:

- Ability to perform preservation maintenance on rustic structures and knowledge of surrounding environment;
- Capacity to perform the required maintenance;
- Commitment to participate in public access opportunities for the District (see detailed suggestions);
- Desire and commitment to protecting and promoting the values of the Historic District and continuation of tradition;
- Availability and intent to use the shack.

### **Categorization of Shacks:**

Beyond the allocation of shacks to uses by percentages, the Subcommittee recommends that decisions about the use of particular shacks be guided by recognition of what is most suitable given their *history, size, location, and condition*. A description of each of these criteria is below. The Subcommittee as a whole has not assigned each shack a particular type of stewardship, occupancy or use, but recommends that the CCNS Superintendent seriously take into account the current use of each shack and the factors noted below as a guide for determining future use.

*History:* As a Historic District, the past uses of the individual shacks can provide a helpful guide for the appropriateness of each shack's future use. In particular, shacks with very consistent use over time (i.e., use by one family over many decades; use tied directly to historic figures of significance; use of shorter-duration by a larger number of

people), should be strongly considered to maintain those uses into the future. The Subcommittee notes that a number of shacks have remained continuously occupied by family and kin with direct ties to the historic period of significance. For more information on historic use, see Chapter 2 of this report, the Historic Structures Report, and the Wolfe Report, and other related documents.

*Amenities:* Shacks with high levels of amenities may be better suited for uses of longer duration. Public/programmatic stays of 1-3 weeks may be more easily facilitated in simpler shacks.

*Visibility:* The level of visibility and proximity to other shacks should be considered, as well as the value of clustering similar or compatible uses. For example, the weekly or monthly turnover of public and programmatic uses is likely to be incompatible with long-term residential uses. Furthermore, shacks in isolation may be less compatible with public and programmatic uses, as such users are sometimes unfamiliar with the District and may require assistance.

*Condition:* Shacks in poor physical condition, which require extensive rehabilitation, are most appropriate for arrangements with long-term stewards.

The following chart shows the Subcommittee’s analysis of these criteria for the dune shacks.

Shack	Historic Use	Size	Condition	Amenities	Location
Adams	long-term residential	large	excellent	high	close to guest; visible
Adams guest	long-term residential	small	excellent	high	close to Adams
Armstrong	long-term residential	large	excellent	high	Isolated
Champlin	long-term residential	large	good	high	within view
Braaten	long-term residential	small	poor	high	within view
Wells	long-term residential	medium	poor	low	within view
Bessay-Fuller	long-term residential	medium	good	medium/high	Close
Fowler	long-term residential	large	good	medium/high	Close
Kemp	long-term residential	tiny	fair	none	within view
Fleurant	long-term residential / mixed	medium/large	excellent	medium	within view
Jones	long-term residential / some mixed	small	fair	low	Isolated
Watson-Schmid	long-term residential/ some mixed	small/medium	excellent	medium	within view
Chanel	mixed / some long-term residential	small	fair	low	within view
Malkin-Ofsevit	mixed	medium	excellent	low	Isolated

C-Scape	mixed	large	very good	medium	Isolated
Thalassa	mixed	small	excellent	low	within view
Margo-Gelb	mixed; artist connection	small/medium	good	low	within view
Euphoria	mixed; artist connection	small/medium	good	low	Visible

*Caveat*

The Subcommittee recognizes that federal laws, NPS policies and regulations evolve over time. It therefore recommends that the Cape Cod National Seashore Advisory Commission establish a standing Dune Shack Subcommittee (to be appointed by the Chair) to ensure on-going dialogue among the dune shack stakeholders and CCNS, and to facilitate monitoring, assessment, and implementation of the recommendations of this report and the plan that follows.<sup>10</sup>

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<sup>10</sup> The Subcommittee understands that it has been asked by CCNS/NPS to make its recommendations within existing legal limitations in creating its report, and it has endeavored to do so. Some members of the Subcommittee are concerned that existing legal limitations, legislation, policies and/or regulation may be insufficient, and it is noted the public does not forego its right to pursue such changes in the future without prejudice.

The Subcommittee believes that a CCNS-based local approach to selection, given that those closest to the resource understand its values, uniqueness, and character, is best for the long-term history and cultural values of the District. The existing requirement that the provision of leases be determined under the auspices of the Regional Office is considered to not serve the best interests of preserving the cultural values of the District.

A number of members of the Subcommittee are also concerned that the current length of terms of mechanisms (20-year leases, 5+5 year agreements) may be insufficient to ensure the continuance of cultural values and traditions, effective maintenance, stewardship, and commitment to the District. Some Subcommittee members encourage CCNS and NPS to consider and explore longer-term leases or agreements to fulfill the vision described in this report.

## CHAPTER 5: Public Enjoyment and Understanding and Vehicle Access

The Subcommittee emphasizes that public enjoyment, including access, and understanding of the Dune Shack District should be appropriate to its history, character, culture, and landscape. Because the landscape of the Dune Shacks of the Peaked Hill Bars Historic District is a very sensitive resource, the subcommittee recommends that all persons minimize physical impact on the built and natural resources of the District while providing for public enjoyment and understanding.

The Subcommittee notes that CCNS interprets “public access” broadly to include both physical and intellectual access to the Historic District’s resources and themes. Section 7 of the National Seashore’s enabling legislation states broadly: “...the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific, features of Cape Cod within the seashore by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding.” The subcommittee recognizes and respects the right of occupants to maintain privacy.

The Subcommittee recommends that public access take three forms: intellectual, experiential, and interactive. Of these three, the Subcommittee encourages CCNS to maximize low-impact opportunities. Because the District is a public resource, all stewards of the dune shacks, including leaseholders and agreement holders, are encouraged to contribute to public understanding and access to the District through a range of diverse opportunities for **access** that reflect the unique nature and sensitive resources, and the need for privacy to experience the values of dwelling in the dunes.

### *A. Intellectual Access: Interpretation, Education and Outreach*

CCNS should provide visitors an opportunity to learn more about its resources and themes, including the Dune Shacks of the Peaked Hill Bars Historic District. Interpretation, education and outreach activities are opportunities for the public to learn about the District in a manner consistent with its carrying capacity. There are various methods available to enhance public understanding of this unique resource, including its structures, people, and landscape, and CCNS must analyze which methods would best serve this purpose. Educational opportunities may include (by way of example, but not limited to):

- interior and exterior exhibits at the visitor center or at access points to the District
- publications
- documentary film(s) or video footage
- sales items in National Seashore bookstores
- ranger-guided education programs at non-District venues
- special events
- lectures
- multi-media presentations.

These educational elements should highlight the District's history, multiple uses, connection to arts and literature, cultural history, solitude, and the valuable and fragile natural resource. Stories about long-time families, artists, and the activities of the non-profit organizations could all be highlighted. CCNS should be careful to not identify too specifically exact locations and coordinates of individual shacks to discourage specific attention to their location and physical accessibility.

The Subcommittee recognizes that most visitors to the District will respond positively to messages about how to respect the historic and natural resources of the dunes and protect the fragile environment and buildings. CCNS should produce materials for their website and visitors' centers to sensitize and orient visitors about the care needed to protect and maintain the dune resources through staying on trails, staying off dunes, and keeping a respectful distance from the shacks.

All stewards of the dune shacks, both individuals and non-profit organizations, are expected to contribute to enhancing intellectual access to the district by undertaking one or more of the following (by way of example, but not limited to):

- Provide CCNS access to photographs, letters, stories, and oral histories of the shacks and their families, friends, and visitors;
- Participate in an exhibition, reading, video, or presentation at a national seashore visitor center, a local school, art gallery, library, community center, etc.

### *B. Experiential Access: Day Use*

For those visitors who wish to experience the District, CCNS and dune taxi companies should continue to provide several means for day physical access.

In order to preserve the environment of solitude and contemplation envisioned in the eligibility of the District, the CCNS should provide minimal, effective, clear signage

about the privacy of the shacks and to guide resource sensitive behavior. Though the exact nature of such signs should be determined by CCNS in conjunction with shack users, the signs would indicate the need for the general public to respect the privacy of users of the shack for the continued preservation of solitude and contemplation and the protection of the shacks themselves.

Furthermore, the CCNS should work with District stakeholders to encourage the use of traditional paths and roads, and to reduce and minimize the creation of new footpaths or trails that impede on the shack's opportunity for solitude and contemplation and erode the natural landscape.

In addition to the independent walk-in day visitors, day access for the general public should be provided by (by way of example, but not limited to):

- Guided, programmed ranger walks; and
- Dune taxi tours managed through a special permit.

The District's carrying capacity has not been established. However, the Subcommittee notes that the District currently receives day visitors in numbers that could be approaching or have exceeded carrying capacity for resource protection. Therefore, the Subcommittee does not seek to encourage a significant increase in experiential access. The CCNS should obtain data about day users to develop a baseline for future discussions about carrying capacity. Access and carrying capacity are likely important subjects for the recommended on-going Dune Shack Subcommittee.

All stewards of the dune shacks, both individuals and non-profit organizations, are encouraged to contribute to appropriate opportunities for experiential day access by undertaking one or more of the following (by way of example, but not limited to):

- An artists in residence interpretive program;
- Participating in an opening or closing day or weekend;
- Hosting a volunteer work day for repairs and maintenance;
- Participating in a limited number of voluntary "open houses" or other events which provide an opportunity for the public to visit a shack;
- Participation in volunteer work day for District-wide betterment activities, such as trail-clearing, sand-shoveling, etc.

Like the CCNS education and outreach activities described earlier, all of the above elements should be carefully considered to ensure that they do not increase use to the point where the qualities of the District are affected.

### *C. Interactive: Short-Term Occupancy as Access*

The Subcommittee recommends that some shacks should provide public access via short-term occupancy. Short-term occupancy as access is defined as one to three weeks in residency in a specific shack. This kind of access is valuable in order to provide the public a direct interaction with the significance of the District, including contemplative solitude, the simple nature of the shacks, and sustainable living. Residencies, on the part of creative people, help perpetuate one of the District's significant traditions - nascent creativity being worthy of nurturing in this conducive environment.

The Subcommittee wishes to preserve the cultural and historic value of the District, including its mix of uses, from public/programmatic to private residential. The subcommittee does not recommend that every shack must provide short-term occupancy. The subcommittee emphasizes that on-going education of short-term users is essential to preserve the visitors' health and safety, as well to sustain the cultural, historic, and natural resources of the District. Examples include (by way of example, but not limited to):

- Short-term occupancy of a shack through artist or writer residencies or other competitive programs;
- Short-term occupancy of a shack through some kind of fair allocation of time via lottery or other means;
- Short-term occupancy of a shack through caretakers;
- Short-term occupancy made available by residential leaseholders;

### *Vehicle Use and Parking*

The Subcommittee recognizes that access to some shacks is extremely difficult without vehicle access. Furthermore, the Subcommittee considers that managed vehicle tours of the District by a skilled, permitted operator are appropriate. At the same time, extensive use of vehicles in the District, other than for access to and from the shacks, would have an adverse impact on the fragile natural resources and the solitude and contemplative nature of the District. Currently, to obtain an occupant pass to drive in the Historic District, individuals must watch the video designed for over-sand driving, which is more specific to beach driving. The CCNS and dune dwellers should work

collaboratively to improve the current over-sand video and/or develop new training strategies specifically about inner-dune driving to reinforce etiquette and care of the resource. The Subcommittee did not consider it in its purview to make specific recommendations regarding vehicle management, but encourages the CCNS to minimize vehicle traffic in the District outside of access to the shacks by residents, maintenance by CCNS, and permitted tours, and to consider implications of parking areas on District access and impact.

## CHAPTER 6: Transitions

The Subcommittee discussed three kinds of transitions that would occur over time in the District. The first type of transitions will occur as current terms of year-to-year special permits expire under the current management approach, and as the District becomes subject to the new management plan. The second type of transitions will occur when other existing, fixed-term leases and agreements expire. The third type of transitions will occur when instruments with unpredictable end dates, such as life estates, expire, or failures of leaseholders to uphold their leases require early termination. Please note that the Subcommittee did not take up the issue of how best to achieve the practical and important transition of use and knowledge from one long-term leaseholder to another.

The Subcommittee below offers recommendations on these three kinds of transitions.

### Transitions from the Current Special Permits

The transition from special, year-to-year permits, for those currently without longer term administrative mechanisms for occupancy of their shacks would occur as follows:

- Annual special permits or similar arrangements would continue to be approved with current occupants until the final management plan is approved.
- Upon approval of the management plan, and in a time frame administratively feasible for the CCNS and NPS, the CCNS would notify a shack's current occupant that the NPS intends to implement the plan at that shack and will be implementing a transition as outlined below under "Predictable Transitions."
- Until that transition is implemented (notification of transition, designation of shack in terms of general use, leasing or special agreement processes, award of lease or special agreement), the current occupant would remain and be provided a special permit, issued annually, to do so.
- Upon award and approval of a new lease or agreement, assuming it is a new occupant, the current occupant would be able to remain through the termination date of the last annual special permit issued.

In an unpredictable transition, when a family member holding a long-term arrangement passes away, the transition would occur as follows.

- Annual special permits or similar arrangements would continue to be approved with a family member or kin of the deceased until the final management plan is approved.
- Upon approval of the management plan, and in a time frame administratively feasible for the CCNS and NPS, the CCNS would notify a shack's current

occupant that the NPS intends to implement the plan at their shack and will be implementing a transition as outlined below under “Unpredictable Transitions.”

- Until that transition is implemented (notification of transition, designation of shack in terms of general use, leasing or special agreement processes, award of lease or special agreement), the occupant would remain and be provided a special permit, issued annually, to do so.
- Execution of a new lease or agreement will dovetail with the expiration date of the existing mechanism.

### Transitions of Predictable Expiration of Terms

In cases of predictable expiration of terms of an existing agreement, lease, stipulation, or reservation of use and sufficient lead time, the transition from one legal occupant to another (please note that the previous occupant may become the future occupant) would occur as follows:

Three years prior to the termination date of the administrative instrument (lease, agreement, etc.) CCNS/NPS will:

- First determine (via the Superintendent) the future stewardship/occupancy of that shack given the District plan, seeking to maintain the recommended mix of stewardship/occupancy. It is assumed that shacks will typically, but not always, remain in their current status in terms of general occupancy (residential or non-profit). Please note as outlined in Chapter 3 that “mixed” arrangements of residential and non-profit organizations are possible.
- And then, either:
  - initiate a Request for Proposal (RFP) process for long-term (or medium-term) residential stewardship and use; or,
  - initiate development of non-competitive lease or agreement for long-term stewardship for a non-profit organization undertaking a programmatic purpose consistent with the mission of the NPS and CCNS.

The RFPs for long-term residential use must include a special set of criteria to distinguish qualities for long-term stewardship and to preserve the cultural traditions and vitality of the District. The RFPs for medium-term residential and non-competitive leases or agreements for non-profits must also include special criteria. These are noted in Chapter 4.

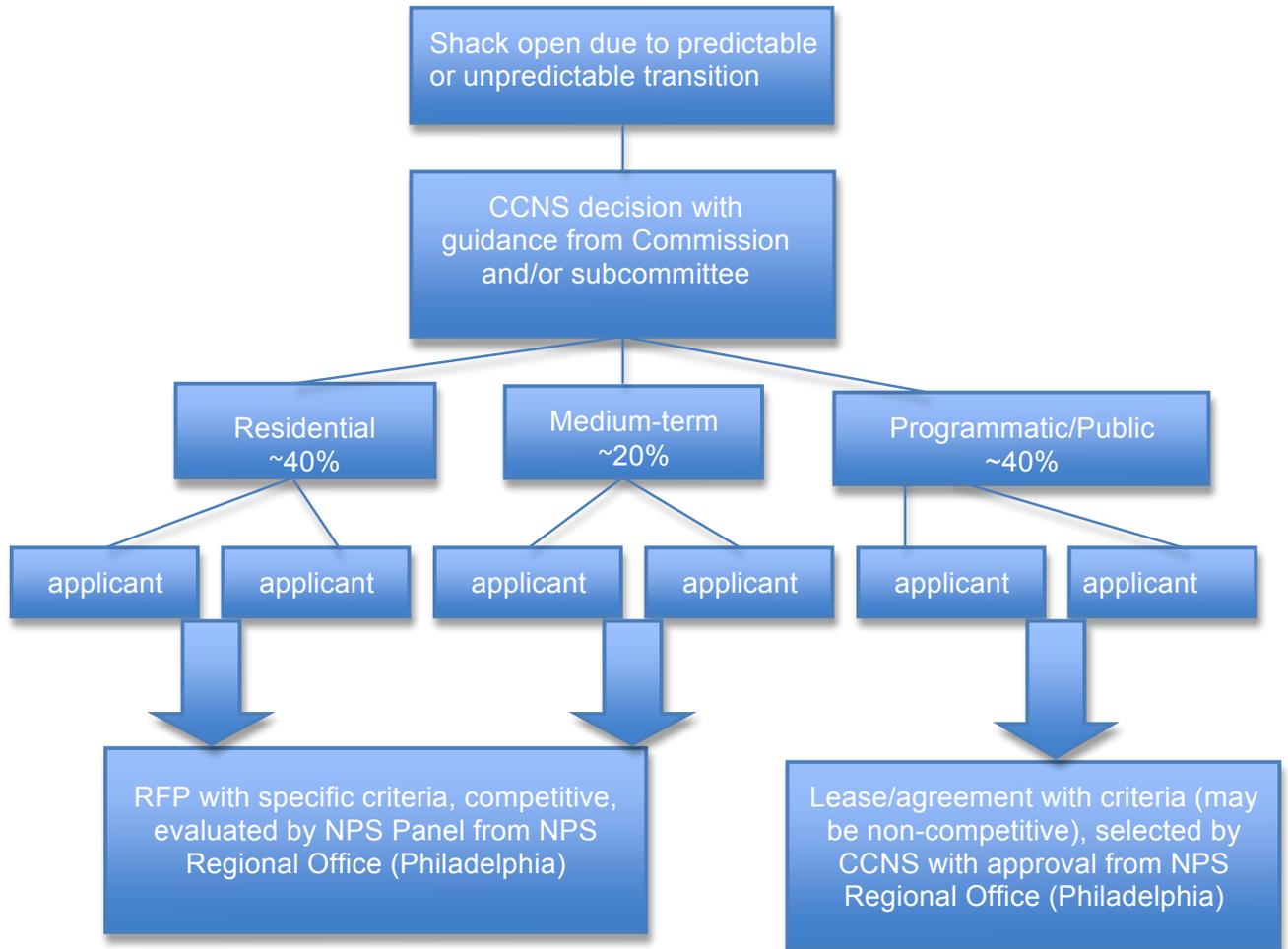
## Transitions of Unpredictable Expiration of Terms

In cases of *unpredictable* expiration of terms of an existing agreement, lease, stipulation, or reservation of use (death of person, failure to comply with lease, sudden vacancy, failure of an organization), the CCNS/NPS will:

- First, immediately work to ensure the integrity and character of the structure, either by
  - providing an annual special use permit to a family member or kin of the deceased or constituent of the failed organization for the transition period (1 to 2 years), or
  - including employing the other shack Stewards (individual lease holders, organizational programs, and members) on a volunteer basis to physically secure the structure for the transition period (1 to 2 years) and inform the Advisory Commission or its Dune Shack Subcommittee of the efforts.
- Then, within a reasonable time frame, determine (via the Superintendent) the future stewardship/occupancy of that shack given the District plan, seeking to maintain the mix of stewardship/occupancy. It is assumed that shacks will typically, but not always, remain in their current status in terms of general occupancy (residential or non-profit). Please note as outlined in Chapter 3 that “mixed” arrangements of residential and non-profit organizations are possible.
- And then, either:
  - initiate a Request for Proposal (RFP) process for long-term (or medium-term) residential stewardship and use; or,
  - initiate development of non-competitive lease or agreement for long-term stewardship for a non-profit organization undertaking a programmatic purpose consistent with the mission of the NPS and CCNS.

The RFPs for long-term residential use must include a special set of criteria to distinguish qualities for long-term stewardship and to preserve the cultural traditions and vitality of the District. The RFPs for medium-term residential and non-competitive leases or agreements for non-profit organizations must also include special criteria. These are noted in Chapter 4.

Transitions Summary Flow Chart



## CHAPTER 7: Physical Structures

### Dune Shack Maintenance and Repair:

The Subcommittee differentiates four levels of maintenance actions, which each require a different level of documentation and review.

- 1. Routine Preservation.** Some examples: hand shoveling to remove built-up wind blown sand along exterior of shack to prevent wet-rot, properly board up doors and windows in winter to prevent leaks. These actions do not require documentation or CCNS review.
- 2. Minor Maintenance and Repair.** Some examples: re-fasten wall or roof shingles, re-flash chimney, patch holes, re-glaze missing windowpanes, install a short string of sand fencing. This level of action does not require CCNS review, but should be documented in a journal or file for future use in an updated historic structure and landscape report.
- 3. Replacement and Repairs with in-kind materials.** Some examples: re-roof, re-shingle walls, replace windows, replace wooden piers and decking. This level of intervention requires consultation with the with the Park's Section 106 Coordinator at least **4 weeks in advance** of when the occupant wants to begin work in order for the park to review and advise the occupant on how to proceed.
- 4. Replacement and Repairs** that use different materials or otherwise make dramatic changes. Some examples: moving sand with machinery, moving sand within 100 feet of a wetland and/or the coastal bank, new septic system or well, installing a significant amount of erosion control fencing, making permanent changes to existing driveways or vehicle route, changing materials or configuration of a character-defining feature (e.g. going to a wood roof when the shack always had rolled asphalt, modifying a roof line to solve chronic leaks, changing the footprint of the deck, or other modifications intended to improve the functionality of the shack). These interventions require **8 weeks lead time** to allow for NPS consultation with the Massachusetts Historical Commission or local conservation commissions.

In a true emergency (e.g. window or door blows out in a storm, major roof leak), users should perform emergency repairs as needed but consult with CCNS staff as soon as possible afterwards to assess the situation and communicate a long term plan.

In order to clarify and simplify the expectations for maintenance, upkeep, and repair of the dune shacks, the Subcommittee has developed the following two documents to give concise, simple guidelines on maintenance for Shack Users:

- A Quick User's Guide to Dune Shack Maintenance and Repair, and

- A list of materials for rehabilitation and repair which are compatible with the dune shack structures, and those that would likely be incompatible and would require specific CCNS or NPS approval before being used.

These documents should be available and should be distributed to all stewards of dune shacks, along with the Introduction and Conclusion of the Historic Structures Report (HSR), and the Character-Defining Features (CDF) section of the HSR report for that shack. The CDFs are elements of an historic structure that should not be radically changed, obscured, damaged, or destroyed, and should be used to assist in making decisions when maintenance, rehabilitation and repair issues arise. When considering alterations or additions to shack structures it is most important that such alterations or additions do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes.

### **Amenities**

Amenities are defined as creature comforts including heating, water retrieval and disposal (sink, shower, toilet), lighting, and food storage and preparation.

The dune shacks currently have different levels of amenities, based on their histories, use and present occupancies. The Subcommittee recommends maintaining this variety of amenity levels as appropriate to the use. Where possible, the present and historic level of amenities should be the basis for any decision regarding modernization or addition of amenities.

The highest level of amenities refers to those shacks with all or many of the following: running water from a tap, indoor plumbing, and electric lights and sockets. Mid-level amenities might include an indoor pump for water, indoor or attached outhouse, solar powered water heaters, propane cooking stove and refrigerator, and oil lamps. Low-level amenities include external water pumps, detached outhouses or composting toilets, and wood stoves.

Careful consideration needs to be given to amenities that are placed on the exterior of the dune shacks. Wherever possible the addition should be discreet or hidden (minimally visible, if at all) and should be removable without disturbing the historic fabric of the structures. The Subcommittee agreed that the experience of the shacks implied a simpler, rustic lifestyle. The Subcommittee recommends that CCNS clarify expectations regarding amenities on a shack-by-shack basis during the leasing process.

### **Catastrophic Loss**

Shacks that are destroyed should be allowed to be rebuilt in accordance with NPS guidelines on reconstruction of cultural heritage.

## Quick User's Guide to Dune Shack Maintenance and Repair

As a dune shack caretaker, your actions regarding the maintenance and repair of your shack and its environs are critical in preserving the character and fabric of the Dune Shacks of the Peaked Hill Bars Historic District. Since this is an historic district eligible for the National Register of Historic Places, caretakers need to familiarize themselves with the Historic Structure Report (HSR) for the shacks, and the Cultural Landscape Report (CLR) for the surrounding landscape. These reports list Character-Defining Features (CDF's) that give the District its visual character and should not be radically changed, obscured, damaged, or destroyed. For example, some of the Adams Shack CDF's are:

*“rectangular shape, north/south orientation towards ocean, low horizontal roof profile with center gable, organization and size of windows, brick chimney, simple flat trim boards, wood pier foundation, shingled exterior “*

For guidance on maintenance and repair, the NPS uses the Secretary of the Interior Standards for the Treatment of Historic Properties and Cultural Landscapes. These emphasize the following basic approach to maintaining the District:

1. First, **Retain and Preserve** features (e.g. hand shoveling to remove built-up wind blown sand along exterior of shack to prevent wet-rot, properly board up doors and windows in winter to prevent leaks).
2. Then, if needed, **Stabilize and Repair** (e.g. re-fasten wall or roof shingles, re-flash chimney, patch holes, re-glaze missing window panes, stabilize dunes around the shack with beach grass planting, other native vegetation, and sections of sand fencing).
3. Finally, if features are too deteriorated then **Replace** them (e.g., re-roof, re-shingle walls, replacing windows, replace wooden piers and decking).

As a general rule of thumb, if you are performing maintenance under 1 and 2 above, no prior consultation with the NPS is needed, but please document all significant maintenance of the shack and landscape with a journal for the NPS for future use in an updated historic structure and landscape report.

If you are performing maintenance under 3 above, then you need to consult with the Park's Section 106 Coordinator at least **4 weeks in advance** of when you want to begin work in order for CCNS staff to review and advise you on how to proceed. In a true emergency (e.g. window blows out in a storm), perform emergency repairs as needed but consult CCNS as soon as possible afterwards to assess the situation and communicate a long-term plan.

In a few cases, an **8-week lead time** is needed for proposed actions that require NPS consultation with the Massachusetts Historical Commission or local conservation commissions. This would be needed for the following: moving sand with machinery, moving sand within 100 feet of a wetland and/or the coastal bank, new septic system or

well, installing a significant amount of erosion control fencing, making permanent changes to existing driveways or vehicle route, changing materials or configuration of a character-defining feature (e.g. going to a wood roof when the shack always had rolled asphalt, modifying a roof line, changing the footprint of the deck)

### **Materials for Maintenance and Rehabilitation**

<b>Structures</b>	<b>Compatible</b>	<b>Likely subject to NPS review</b>
<b>Siding and Trim</b>	degradable and/or subject to weathering	non-degradable, non-organic
	untreated wood	plastic or petroleum based
	cedar	"dipped" or pre-stained
	pine	chemically treated
	painted wood	composite materials
	copper based, non-arsenic pressure treated lumber	Aztec or similar
	<b>Windows</b>	single glaze
untreated wood		vinyl
multi-lite		insulated glazing
<b>Decks and Pilings</b>	untreated wood	
	copper based, non-arsenic pressure treated lumber	
<b>Roofing</b>	cedar shake	rolled rubber (EPDM or similar)
	asphalt shingle	
	rolled asphalt	
	cedar shingle	
	copper based, non-arsenic pressure treated lumber	
<b>Found materials*</b>	drift wood, bone, utility poles	
<b>Salvaged or recycled*</b>	wood trim boards, wood doors, wood windows, bricks, blocks, glass, shells, buoys, pylons, others	

**\*The use of found, salvaged or recycled materials should be done in consultation with the Seashore. If the material proposed can be shown to be compatible with the history of**

**resourcefulness and ingenuity of shack maintenance, then it may be allowed.**

<b>Landscape</b>	<b>Compatible</b>	<b>Likely subject to NPS review</b>
<b>Erosion control</b>		
	wooden snow fencing	plastic fencing
	beach grass	black erosion matting
	wooden pallets	salt spray roses
	weed-free hay	
	jute matting	
<b>Walkways</b>	wooden slat	concrete
	wooden planking	

## CHAPTER 8: Cultural Landscape Issues

Issues affecting the cultural landscape within the Dune Shacks of the Peaked Hill Bars Historic District include preserving the historic character of the District, managing the shifting sand associated with access and circulation, managing changes in vegetation, protecting viewsheds, preserving land uses, and ongoing maintenance requirements.

**Preserving Historic Character.** The dune shacks are sited in isolation or clusters, on the leeward side of the foredune and further inland. Some shacks are visible from other shacks, while others are hidden between dune forms. Domestic features surrounding each shack are minimal, and typically include an outdoor seating area, clothesline, outhouse, birdhouses, sand fencing, and a parking area. Shacks are linked by the dune vehicle trails and include driveways and footpaths, but disturbance to the landscape is minimal to reduce the movement of loose sand and the associated effects of erosion or accretion of sand. Vegetation is sparse and predominantly native, including beach grass, beach plum, scrub oak, pine, and other drought tolerant seaside species. Wet lowland areas in the inner dune valley contain heathland communities and cranberry bogs. Salt spray rose is the only prevalent non-native species and was likely introduced before the period of significance. The minimal development associated with each shack should be preserved.

**Managing shifting sand associated with access and circulation.** High winds and storm waves continue to alter the dune landscape. Minimizing disturbance to the dunes, particularly vehicle and foot traffic, allows vegetation to take hold and reduces the amount of blowing sand. In addition to encouraging vegetation, sand is typically managed with wood slat sand fencing, placed in rows perpendicular to the prevailing wind. Vehicle traffic on the foredune is minimized with most vehicle travel concentrated in the inner dune valley or along the beach. Recognizing that there is inevitably some disturbance around each shack, most of the shacks are constructed on pilings in order to allow their occasional relocation, raising, or lowering in the ever-shifting dune environment. For dune shacks in vulnerable locations, particularly on the foredune, networks of sand fencing surround shacks to collect sand in front of or at a distance from the shack. Some shacks install additional fencing in the winter months. The practice of installing sand fencing should be encouraged, but installation of more than 1000 feet of sand fencing should be done in consultation with the National Park Service. Additional materials have been used for managing sand, including plastic fencing, wooden plank pallets, and hay bales. While these materials are effective, they were not used during the historic period. Please see Chapter 7 on Physical Structure for the suggested guidance for the District. Furthermore, hay bales are discouraged because of the potential to introduce non-native, invasive plants to the District. Vegetation is also used for managing sand as described below.

**Managing Changes in Vegetation.** After the deforestation of the dunes during the Colonial period, land stewards have implemented re-vegetation projects with variable success in discrete areas within the dune landscape. Plantings have predominantly consisted of beach grass interspersed with native tree and shrub seedlings. Since the historic period, the vegetative cover has, and continues, to increase. Ultimately, the open character of dune landscape will diminish as succession continues. Re-vegetation of the dunes is a slow process that will need to be monitored to strike a balance between the historic feeling of the area and the natural resource objectives to stabilize the landscape. Additional beach grass plantings are encouraged, though plantings of a quarter acre or more should be done in consultation with the National Park Service.

Some non-native species have colonized in the dune landscape. Salt spray rose was likely introduced to the area from seeds that washed ashore from a shipwreck. While the plant is prevalent throughout the District and contributes to the character, particularly near the shacks, additional plantings are discouraged in favor of native species. Non-native species such as Japanese knotweed have recently been found in the District. Like the salt spray rose, seeds could have washed ashore, or been brought into the dunes with imported soil used for fill or container plantings. To minimize the introduction of non-native invasive plants, use of imported fill is discouraged. Planters used for seasonal vegetables, flowers, and herbs should contain weed-free soil that is reused or removed rather than disposed of in the landscape.

**Protection of Viewsheds.** Spanning approximately 1,500 acres, the vast open feeling of the Historic District is largely unchanged. Views looking out across rows of dunes, to neighboring shacks, or to the distant Pilgrim Monument or water tower for the most part remain unchanged from the time when the majority of the shacks were constructed in the first half of the twentieth century. Additional structures, including the Race Point Light and Province Lands Visitor Center, can only be seen from a few locations in the District. Indeed, the boundary of the Historic District is largely informed by the ridgeline within the viewshed from the shacks. Construction of additional structures within the viewshed of the Historic District would diminish the setting and feeling of the District.

**Land Use.** The dune shacks derive their character from human responses to natural features and systems. Thus introduction of features that isolate and separate the dune shacks from the surrounding environment are not in character with the Historic District. At the same time, the continuity of use should be demonstrated by new adaptations to the environment, such as small wind and solar power units associated with individual shacks. Uses during the historic period should continue, including development of the arts, recreation, leisure, permitted hunting and fishing, foraging, wildlife observation, and life saving.

**Maintenance Requirements.** The severity of the climate in this area accelerates the need for ongoing maintenance of the shacks. The dune shacks are rustic, small, and weathered buildings, many of which were originally associated with the old Peaked Hill

Bars Life-Saving Station and its residents. Transient in character, the shacks are constructed on pilings in order to allow their occasional relocation, raising, or lowering in the ever shifting dune environment. The use of local, recycled, simple materials, the use of wood rather than plastic, and a lack of ornamentation are characteristics shared by the landscape features associated with each shack.

## CHAPTER 9: Natural Resource Issues

The Dune Shacks of the Peaked Hill Bars Historic District lies within a fluid dune environment, and along the coastal bank. The District encompasses a variety of natural resources and systems that are significant to Cape Cod National Seashore.

The natural soundscape that exists in the absence of human-caused sound is a resource quality the NPS seeks to maintain. In addition to their natural values, natural sounds (such as waves breaking on the shore, the call of a bird) form a valued part of the visitor experience. Conversely, the sounds of motor vehicle traffic, an electric generator, or loud music can greatly diminish the ability to hear a bird singing its territorial song or the effectiveness of an interpretive program. Human-caused sounds anticipated with this plan include vehicles operated by individuals and organizations accessing dune shacks; dune taxi tours; non-amplified music; and occasional gatherings of dune dwellers at a central location.

Dune slack wetlands are found within the District, and are distinct ecological communities that the NPS seeks to preserve. They are formed by the scouring action of wind, which can lower ground elevations to the point that they intersect the groundwater table for part of the year. These seasonally flooded wetlands, also known as dune slacks, develop distinctive plant communities and are virtual oases of biodiversity in an otherwise desert-like environment. Dune slacks are one of the last refuges on the outer Cape for species such as the insectivorous sundews (*Drosera* spp.) and orchids (*Calapogon tuberosus*, *Pogonia ophioglossoides*). From a wildlife perspective, they are critical habitat for the reproduction and survival of numerous invertebrates and amphibians such as the spadefoot (*Scaphiopus holbrookii*) and Fowler's toad (*Bufo fowleri*). For larger mammals and birds, dune slacks are an important source of drinking water, succulent forage, and prey.

Several species of concern are found within the District. These include federally listed threatened and endangered species, as well as species on the Massachusetts list of endangered, threatened, and special concern species. Piping plovers occasionally nest in the inter-dune areas, and the District is a critical habitat for the Eastern spadefoot toad.

In addition, the NPS values the presence of algal crust, a living community of filamentous green algae that exists among the sand grains. The algae tolerate long periods of desiccation, surviving much of the time in a hardened, dry state and coming alive when sufficient amounts of dew or rainfall allow for bursts of productivity.

The dynamic and expansive dune system where the Historic District is located is continuously changing as coastal winds reshape and scour the dunes.

Surface and groundwater are resources to be protected. The Historic District is located over a self-contained lens that is continually recharged from rainwater. For these reasons, residents remove refuse from the property, and outhouses are self-contained and sewage is not permitted to seep into groundwater.

Vegetation in the Historic District includes scrub pine, wild cherry, beach plum, bayberry, beach grass, scotch broom, American cranberry, and salt spray rose. Non-native species or invasive species can compete with native species for food, water, and space, and eventually overrun them. Some non-native species have been planted in gardens in the District.

The Environmental Assessment will evaluate the impacts that plan alternatives will have on natural resources.

## Appendix A

**Subcommittee  
for  
Providing Recommendations  
To the Cape Cod National Seashore Advisory Commission  
On the Establishment of a Dune Shack District Preservation and Use Plan**

**Groundrules**

### **I. Purpose and Need for the Dune Shack District Preservation and Use Plan**

The following details the purpose and need for the intended plan.

*Purpose:* The purpose of this project is to establish a Dune Shack District Preservation and Use Plan that provides clear direction and consistency for CCNS managers, dune shack dwellers, users, and advocates.

*Need:* Action is needed at this time to provide for the long-term protection of the historic district as a whole, including the structures, cultural landscape, and natural environment. A sustainable plan is needed that is economically feasible, conforms to applicable law and NPS policies, and can be implemented with available federal administrative instruments. Examples of these instruments are long-term leases up to 20 years and short-term permits.

### **II. Purpose and Tasks of the Subcommittee**

The Subcommittee's task is to develop a set of recommendations to the Cape Cod National Seashore's Advisory Commission (known as the Commission) on the establishment of a Dune Shack District Preservation and Use Plan.

Minimally, the subcommittee is tasked to develop, in conjunction with the Seashore, a range of reasonable alternatives to recommend to the Commission for the NPS that will, upon Commission support or revision, be analyzed fully in an Environmental Assessment (EA) undertaken by the National Park Service. If possible, though not imperative, the subcommittee will seek to recommend a preferred alternative to the Commission.

Alternatives to be analyzed will need to preserve and maintain the Dune Shack Historic District, be sustainable over time, economically feasible, conform with National Park Service policies, and be implemented with federal administrative

instruments. Alternatives that are fully analyzed in the Environmental Assessment must resolve the purpose and need of the plan and meet the objectives outlined.

### **III. Membership**

- A. The subcommittee members are appointed by the Commission.
- B. Subcommittee membership is intended to reflect the range of views and interests regarding the dune shacks.
- C. Any member of the Subcommittee may withdraw from the negotiations at any time by notifying the Commission chair in writing.
- D. The Commission will then seek to appoint a new representative, to the extent possible, to ensure representation of diverse interests on the Subcommittee.

### **IV. Developing Recommendations to the Commission**

- A. Formal advice to the Seashore on these matters will and must remain under the purview of the federally-appointed Commission. Thus, all subcommittee decision-making is in regard to developing recommendations to the Commission.
- B. The Subcommittee, to the extent possible, will operate by consensus, which the Committee defines as unanimous concurrence of the members. Members may also “abstain” or “stand aside.” Abstaining means not offering consent or endorsement, but also not blocking an agreement. Abstaining/standing aside members will not be counted in determining if consensus has been reached. Absence of a member is the equivalent of abstaining, though absent members can sign on in concurrence later. Abstaining members will be noted by name and organization in any final report.
- C. Members should not block or withhold consensus unless they have serious reservations with the approach or solution that is proposed for consensus. Consent means that members can at least “accept,” however reluctantly, the package agreement that emerges.

- D. Members may dissent. If a member disagrees with the approach or solution proposed, she or he will make an affirmative good faith effort to offer an alternative satisfactory to all members.
- E. The Subcommittee should reach a consensus on the range of alternatives to be considered but may not necessarily reach consensus on a preferred alternative.
- F. On those issues or topics where consensus cannot be reached, the Subcommittee will offer a range of options as possible to assist the Commission in their deliberations. On topics where consensus is not reached, the Subcommittee will delineate the advantages and disadvantages of remaining options and explain the members' differences clearly, accurately, and fairly.
- G. Nothing in these groundrules prohibits or limits the rights of individuals to pursue their rights as citizens such as free speech and taking legal or political action. However, it is strongly encouraged that during the deliberations of the subcommittee that members' make their primary focus the work of, and work within, the subcommittee.

## **V. Subcommittee Meetings**

- A. Subcommittee meetings will be held at the convenience of the members and the Seashore at accessible locations in appropriate facilities on the Outer Cape.
- B. Subcommittee meetings will be announced at least one week in advance: 1) via email; 2) a notice to the Towns of Provincetown and Truro; and, 3) a press release to local newspapers.
- C. The meetings are intended primarily for the deliberation of the Subcommittee. A public comment period will be provided at each Subcommittee meeting and interested commenters will be given limited time to address the Subcommittee as a whole (singling out individuals on the Subcommittee is strongly discouraged). Interested commenters may also submit comments to the Subcommittee directly at the meeting or by providing written comments to the facilitators to copy and distribute to the Subcommittee.
- D. Brief summaries of Subcommittee meetings will be prepared by the facilitators and, after review and approval by the Subcommittee, will be

made available to the Commission. The summaries will identify points of tentative agreement and final agreement and generally be written without attribution. The summaries are not intended to be transcripts or detailed meeting minutes, but summaries of key points, issues, and ideas.

- E. The Subcommittee may form work groups to advance discussion, generate options, and develop preliminary proposals. Such work groups must be created by the full Subcommittee, have a clear charge, and ensure participation of a diversity of interests.
- F. The facilitators will be responsible for developing an agenda for all meetings of the Subcommittee and the agenda will be distributed ahead of time. This agenda will be developed in consultation with the Subcommittee.
- G. CCNS personnel will participate actively in the deliberations, explain and advocate for CCNS and NPS policies, seek creative solutions, prepare draft alternatives and other written documents, as needed, provide background information, and not take part in the final consensus on recommendations since CCNS will ultimately receive the recommendations of the Commission.

VI. Roles and Responsibilities of Representatives consistent with the Subcommittee Charter

- A. Subcommittee members commit to the principles of decency, civility, and tolerance. Members accept that there are different views, and the different stakeholders each have a legitimate interest and right to be part of expressing views and determining solutions.
- B. Subcommittee members will not attribute statements to others involved, seek to present or represent the views or position of other members or alternates, nor attempt to speak on behalf of the Subcommittee as a whole in or to the media. “Media” for these purposes includes the press, television, radio, websites, blogs, and any other public information distribution mechanism. Subcommittee members will abide by these groundrules in all communications during the process in and out of Subcommittee meetings.

- C. NPS or the Commission, with the facilitators, will periodically review and assess the Subcommittee's progress to determine if the process is meeting their needs and the interests of the participants.
- D. Members on the Subcommittee also agree to the following.
- Represent the interests and concerns of their families, organizations, and constituents as accurately and thoroughly as possible, and work to ensure that any recommendations developed by the Subcommittee are acceptable to their organization or constituency.
  - Arrive at the meetings prepared to discuss the issues on the agenda, having reviewed the documents distributed in advance.
  - Strive throughout the process to bridge gaps in understanding, to seek resolution of differences, and to pursue the goal of achieving consensus on the content of the potential alternatives under discussion.
  - Make a good faith effort to participate in all scheduled meetings or activities.
- E. In order to facilitate an open and collaborative discussion, the Subcommittee members also agree to abide by the following rules.
- Only one person will speak at a time and no one will interrupt when another person is speaking.
  - Each person will express his or her own views, his or her organization's and constituents' views, rather than speaking for other Subcommittee participants. Participants shall make clear when they are speaking on behalf of themselves as individuals versus when they are speaking on behalf of their constituency.
  - Each person will refrain from making personal attacks, name calling, distributing personal or inaccurate information about other participants, and other such negative behaviors.
  - Each person will make every effort to stay on track with the agenda, and avoid grandstanding and digressions in order to move the negotiations forward.
  - Subcommittee members will share all relevant information with other Subcommittee members in a timely manner. Members understand that a

decision to withhold or not share key information in a timely manner may seriously compromise negotiations.

## **VII. Role of the Facilitators**

- A. The facilitators will be responsible for helping to ensure that the process runs smoothly, developing meeting agendas, preparing and distributing draft and final summaries, generating draft agreements, and helping the parties resolve their differences and achieve consensus, to the extent possible, on the issues to be addressed by the Subcommittee.
- B. The facilitators will be available to consult confidentially with Subcommittee participants during or between meetings. Facilitators, if asked, are required to hold confidences even if that means withholding information that the facilitators prefer would be made available to the full group. Confidentiality protections do not extend to threats or reports of criminal action.
- C. The facilitators have no decision-making authority and cannot impose any solution, settlement, or agreement among any or all of the parties. The role of the facilitators is to assist parties in developing their own solutions. The role of the facilitators is not to solve problems for others, render judgment on particular options, nor take ownership of one or another solution.
- D. The facilitators will abide by the Ethical Standards of the Association of Conflict Resolution. In part, these standards require that: “The neutral must maintain impartiality toward all parties. Impartiality means freedom from favoritism or bias either by word or by action and a commitment to serve all parties as opposed to a single party.”
- E. Parties will express any concerns about the facilitator’s role or action: first, to the facilitators directly, and secondly, as needed, to the Commission chair.

## **VIII. Subcommittee Support Resources and Timeline**

The subcommittee and Advisory Commission process is expected to be completed not later than June 2010. Additionally the Seashore and Advisory Commission will co-host a public scoping meeting October 19, 2009. Following the Commission’s comments on the range of alternatives developed by the subcommittee and revisions, a second public meeting to seek public comment on the alternatives will be held not later than May 2010.

The National Park Service will provide the Seashore and the Subcommittee the support of a facilitator and related activities (i.e., meeting space, audiovisual, etc.). Seashore staff will also support and participate in the Subcommittee. The facilitation and meeting support is constrained by budget and staff availability and therefore the Seashore and Subcommittee agree to work efficiently within the time frame described above.

## Appendix B

### Cape Cod National Seashore Subcommittee on Dune Shack District Preservation and Use Plan

#### Subcommittee Member List

##### Subcommittee

Sally L. Adams	Long-time dune shack family
Janet Armstrong	Long-time dune shack family
Regina Binder	Representative of Provincetown Community Compact
Brenda Boleyn	Representative of CCNS Advisory Commission
Carole Carlson	Representative of Peaked Hill Trust
Robert A. Costa	Art's Dune Tours
Rich Delaney	Chair of CCNS Advisory Commission
Hatty Fitts	Representative of OCARC
William R. Hammatt	Representative of CCNS Advisory Commission
Joyce Johnson	Representative of Truro
Richard W. Philbrick	Representative of CCNS Advisory Commission
Austin Smith	Representative of Friends of CCNS
Paul Tasha	Representative of Provincetown
John Thomas	Representative of Provincetown

##### NPS and CCNS

Bill Burke	Cultural Resources Program Manager, NPS
Sandy Hamilton	Environmental Protection Specialist, NPS Chief, Interpretation and Cultural Resources Management / Volunteer Coordinator, CCNS
Sue Moynihan	Superintendent, CCNS
George Price	

##### CBI

Patrick Field	Facilitator
Stacie Smith	Facilitator
Meredith Sciarrio	Facilitation Support